IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5859 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE A.M.KAPADIA

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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CHANDRESHBHAI JIVABHAI MEHTA

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 5859 of 2000

MR R.J.GOSWAMI for MR SV RAJU for the Petitioner

MR K.C.SHAH, APP for Respondent No. 1

MR F.B.BRAHMBHATT for MR HARSHAD N SHAH for Respondent No. 2

CORAM : MR.JUSTICE A.M.KAPADIA

Date of decision: 25/07/2002

ORAL JUDGEMENT

In this petition which is filed under Section 482 of the Code of Criminal Procedure ('the Code' for short), the petitioner and the two others against whom complaint is registered vide M-Case No. 129 of 2000 with Dholka Police Station for commission of the alleged offences under Sections 467, 468, 420 and 114 of IPC on the basis of the complaint filed by respondent No.2 herein, has prayed to quash and set aside the said complaint, on the grounds stated in the petition.

2. When the matter is called out Mr. R.J.Goswami, learned advocate for the petitioner and Mr.F.B.Brahmbhatt, learned advocate for respondent No.2, jointly submitted that the amicable settlement has been arrived at between the parties and by virtue of the said settlement the dispute with relation to the monetary transaction is resolved. It is also agreed that the complaint filed by each other may not be proceeded and may be quashed and set aside. The xerox copy of the terms and conditions of settlement duly signed by all the parties has been produced for retaining on record of the case. They, therefore, requested to pass appropriate order.

Mr. K.C.Shah, learned APP has no objection if appropriate order is passed in view of the settlement arrived at between the parties.

3. In view of the aforesaid state of affairs, since the settlement has been arrived at between the parties and the dispute with relation to monetary transactions between them is resolved, the complaint registered vide M-Case No. 129 of 2000 with Dholka Police Station on the basis of the complaint filed by respondent No.2 against the present petitioner deserve to be quashed and set aside.

4. For the foregoing reasons, the petition is disposed of. The FIR being M-Case No. 129 of 2000 registered with Dholka Police Station is quashed and set aside qua all the accused named therein. Rule is made absolute.

5. The xerox copy of terms and conditions of settlement shall be retained on record of this case.

Direct service permitted.

(A.M.Kapadia,J)

Jayanti*